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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Corr.1 and Add.1, 24-27, 28 and Add.1, 51, 52, 55, 57, 60-63, 69, 70, 73, 74, 76, 78 and 80; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55, 58, 60 and 62; A/44/526, 573, 620, 622, 635, 669 and 671)

1. Miss NAROVE (Madagascar) said that her delegation was particularly concerned about the difficult conditions in which the Cypriots were still living. Despite Security Council resolutions 541 (1983) and 550 (1984) and resolution 1987/50 of the Commission on Human Rights, Cyprus had still not recovered its sovereignty, territorial integrity and independence. The praiseworthy efforts of the Secretary-General to find a just solution to the problem must continue, but there could be no settlement until the basic rights of the Cypriot people were restored.

2. For a constructive dialogue to begin, the occupation forces must be withdrawn and the settlers must depart immediately; the freedom of movement and of settlement and the right to own property must be restored throughout Cyprus. The refugees must be able to return and resettle in complete safety in the areas from which they had been forced to flee; and the cultural heritage of the occupied territories must be respected.

3. Her delegation welcomed the dialogue that was to be held the following week in New York. It hoped that a just and lasting settlement could be reached on the Cyprus question as soon as possible so that that country could recover its national unity.

4. Mr. BENHIMA (Morocco) read out a letter addressed to Amnesty International by the Prime Minister of his country which made a number of points.

5. The Constitution of Morocco stipulated that the King of Morocco was the protector of the rights and liberties of the Moroccan people. The political system was based on pluralism, tolerance, separation of powers and the rule of law. Numerous legislative acts ensured strict respect for human rights. A free press never hesitated to alert the authorities to cases of alleged human rights abuses. The Moroccan Government encouraged freedom of expression by granting sizeable subsidies to the press, including the opposition. Many human rights associations were active in Morocco, working in complete freedom and approaching the competent authorities whenever they considered it necessary. Needless to say, Morocco had adhered to the international instruments in the field of human rights.

6. The Moroccan Government was particularly vigilant with regard to individual cases of human rights abuse, and it systematically conducted investigations to establish the accuracy of such accusations and imposed punishment where necessary. The international press had been invited on

numerous occasions to visit Morocco to see for itself the reality of the human rights situation, and that explained why so much information was available on the country, which remained open and ready to investigate any accusations of human rights violations. It was for that very reason that the King of Morocco had invited Amnesty International to visit the country and had granted it a long interview.

7. As in other democratic countries, however, Morocco prosecuted to the full extent of the law persons involved in acts of violence or subversion, and members of extremist groups had been severely punished as common criminals for having committed such offences. It was most surprising that Amnesty International should speak of "political prisoners" or "prisoners of opinion" in Morocco in connection with persons who had been sentenced as common criminals in the same way as those found guilty of similar offences in Western European countries. What was at issue was not "non-violent crimes" or "crimes of political opinion", but serious acts of violence.

8. It was also alleged that the guarantees under Moroccan law in the area of criminal procedure were inadequate and exposed detainees to abuse. In actual fact, all persons enjoyed the protection of a legal defence. The allegation by Amnesty International that his Government did not control its officials sufficiently and that it even remained indifferent to human rights violations was unfounded. The instructions given to the national security force and the punishment inflicted on members of the national security force and the police force found guilty of abuse of power or acts of negligence demonstrated that the Moroccan Government was far from adopting a complacent attitude towards human rights violations.

9. Mr. KOLOSOV (Union of Soviet Socialist Republics) said that the more the process of democratization advanced, the greater the respect for human rights became. Clear examples of that could be seen in the democratic changes taking place in the countries of Central and Eastern Europe and in the holding of free elections in Namibia. Armed conflicts and their consequences, on the other hand, were prejudicial to the democratic process and to the improvement of the human rights situation in a number of regions.

10. A case in point was Afghanistan. Although the withdrawal of Soviet troops had been completed more than a year previously, the number of refugees had remained virtually unchanged, innocent people had been killed in skirmishes between the armed forces and the mujahidin, and opposition forces continued to carry out numerous terrorist acts; that state of affairs had had an adverse effect on the civil, political, social and economic rights of the population. The Commission must call upon all parties to the conflict to start a dialogue aimed at reaching a peaceful settlement.

11. A significant step in that direction was the set of proposals made by the Government of Afghanistan to begin negotiations among all the parties to the conflict, to cease all delivery of weapons and to strengthen the part played by the United Nations in the peace-seeking process.

12. At a conference in Phnom Penh in July 1989 that he had attended, experts from a number of countries had unanimously recommended that their Governments should support the process of restoring normalcy to Cambodia, assist that country in reviving its economy and safeguarding its culture and leave Cambodia's seat at the United Nations vacant until elections had been held.

In addition, the Commission on Human Rights should consider the question of the non-return to Cambodia of the Khmer Rouge régime and the responsibility borne by its leaders for the policy of genocide. It was noteworthy that independent experts took up a more objective position than persons acting under the instructions of their Governments, which often paid more attention to political interests than to human rights concerns.

13. The process of democratization was also a prerequisite for full respect for human rights in the Middle East. The Palestinian people in the occupied territories would continue to insist on self-determination, regardless of the brutal repression it faced. A political settlement of the Middle East conflict was the key to ensuring human rights in all the countries of that region. The same applied to Cyprus, and his delegation supported the efforts of the Secretary-General to start a dialogue between the two communities there.

14. One obstacle to the full enjoyment of human rights in certain regions of the world was the inconsistency between national legislation and international standards. Another was the inadequate training of the executive organs of the Judiciary. It was to be hoped that the declaration by the General Assembly of the United Nations Decade of International Law would help to remedy that situation. A major goal of the Decade was to conduct an international information campaign in the field of human rights, to which the Centre for Human Rights would make a major contribution.

15. Totalitarianism, racism and various forms of discrimination were of even more serious consequence for the enjoyment of human rights. In such cases, it was not enough to treat the symptoms; it was necessary to attack the problem at the roots. The Commission could make its contribution to that struggle, especially if its resolutions and recommendations did not politicize humanitarian concerns. Discrimination for political reasons should not be tolerated either when democratic change was in progress.

16. His delegation had noted that a number of other Governments and non-governmental organizations had shared its view, and an opportunity had thus arisen to reach agreement on ways to prevent human rights violations wherever they occurred. That being the case, his delegation supported the Banjul Appeal to all African States and peoples to take appropriate measures to democratize national policy as a pre-condition for the full enjoyment of human rights (E/CN.4/1990/NGO/34, para. 5 (i)).

17. The gradual development and codification of international standards on human rights knew no national boundaries. For its part, his country was currently striving to democratize socialism by placing the individual in the centre of social development.

18. Mr. ALJURE NASSER (Colombia) said that over the past year, a number of events had had a negative impact on the human rights situation in his country. Assassinations like the one that had cost the life of one of the Government's most important leaders and acts of terrorism causing large numbers of victims had cast their shadow over the life of the country in 1989. But important institutional changes had also been implemented to face the phenomenon of violence and, in particular, the more radical forms of organized crime that had so seriously endangered the country's stability in recent years.

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19. Drug traffickers had been fought with great determination and effectiveness: their logistical bases had been gravely affected; drug production laboratories had been destroyed; communication centres had been dismantled; large arsenals had been discovered; numerous properties and considerable sums of money had been confiscated; and dozens of paramilitary gangs had been put out of action. Hundreds of persons were under arrest and awaiting trial for their involvement in narcotics trafficking or for their membership of armed bands that had committed crimes involving violations of human rights. For the first time in recent history, international co-operation had begun on combating the production, trafficking and consumption of drugs.

20. The administration of justice had been improved; measures had been adopted to protect the members of the Judiciary; a special task force had been created in the police to fight the bands of irregulars which, organized and financed by drug traffickers and in some cases trained by international mercenaries, had caused so many victims in the country.

21. That struggle had exacted a heavy toll of society and of Colombia's institutions. Taxes had been raised to implement the above-mentioned measures. The terrorist acts carried out by the drug traffickers and the loss of revenue to Colombia from tourism had also been a burden. Moreover, the collapse of the price of coffee had caused additional economic difficulties, as had the renewal of subversive attacks against the country's petroleum infrastructure and electricity network.

22. The peace initiative of his Government, which aimed at incorporating in the political process those guerrilla groups that had laid down their arms, had achieved an important success in the signing of an agreement by the M-19 group to demobilize, surrender its weapons and participate in the legal political activities of the country. Significant progress of a similar nature might be made in the near future with other guerrilla organizations.

23. More than 100 members of the armed forces and of the police were currently being investigated or tried in civilian courts for their alleged participation in human rights violations, and 20 persons had already been convicted. Others were facing charges in military courts of abuse of authority or collusion with drug traffickers. Numerous convictions had been handed down. Many members of the armed forces and the police had been discharged for misconduct.

24. The past year had also seen an improvement in the instruments designed to protect human rights. The system of local ombudsmen had been generalized to reach even the most remote regions of the country, and greater powers had been granted them to defend human rights. The local authorities must inform the ombudsman within 24 hours of any arrest or detention that had taken place and must allow him access to information gathered in the investigation of cases involving human rights violations.

25. The Office of the Attorney-General of the Nation had been considerably strengthened. The Attorney-Delegate (Deputy Attorney-General) had been empowered to take direct disciplinary action on human rights matters on which his competence overruled that of other Attorneys-Delegate, even in mattters involving the police or armed forces.

26. In the criminal investigation system, a department had been established for the protection of human rights as well as facilities to conduct special investigations into serious violations. The Armed Forces and Police High Commands had recently issued directives to their subordinates about respect for citizens' rights; and the Presidential Adviser for Human Rights was promoting educational programmes on human rights for police officials.

27. Other measures included a new code, special court sections for family matters and widespread campaigns to promote the rights of children and special groups such as sick persons and ethnic minorities, the latter having been the subject of a widespread campaign to promote their full awareness of their individual and collective rights.

28. A number of steps had been taken, over the past year, which reflected the Government's intention to uphold national democracy and ensure full respect for human rights, even during the current instability. Information provided by the Centre for Research and Popular Education and Justicia y Paz showed that, comparing 1989 and 1988 figures, there had been a fall to less than a half in "political" killings, to less than a third in "political" disappearances, to less than two thirds in deaths in the military conflict and to less than 60 per cent in related civilian deaths.

29. Although fatalities among left-wing militants continued, the number of such deaths had fallen, in 1989, to less than 40 per cent of the 1988 figure and was actually lower than the number of victims among members of the traditional Parties. Unfortunately, there had been no fall in the number of terrorists acts or kidnappings attributed to subversive groups.

30. Although the report by the Special Rapporteur on summary or arbitrary executions on his visit to Colombia (E/CN.4/1990/22/Add.1), rightly pointed to the considerable fall in incidents during 1989, it presented data which greatly overestimated both the 1988 and 1989 figures; those cases classed as "political" killings had been inflated by the addition of those referred to in the report as "possibly political"; but the description "political", which was doubtful in a number of cases in the first category, was highly questionable in regard to the second. It should be realized that the victims included a large number of upholders of the country's institutional system and that persons involved in drug trafficking had certainly been responsible for a high proportion of the crimes committed.

31. Over the past year, Colombian democracy had been soundly reaffirmed, huge problems having been tackled without the repression or the sacrifice of basic principles which had occurred in similar situations in some other countries. Colombia was maintaining, with difficulty but unceasingly, the protection of human rights, and would continue to do whatever the cost.

32. The CHAIRMAN, having reminded the Commission of its decision when adopting the agenda, invited the Special Rapporteur on the situation of human rights in Chile to introduce his latest report.

33. Mr. VOLIO JIMENEZ (Special Rapporteur on the situation of human rights in Chile), introducing his report (E/CN.4/1990/5), said that although, at the outset of his mandate, the Government of Chile had persisted in the refusal, encountered by his two predecessors, to recognize the status of Special Rapporteur, he had managed to hold informal talks with that Government's representatives at Geneva and San José, Costa Rica, and had also talked with Chilean opposition and human rights groups.

34. A Chilean Government special representative, meeting him informally at Montevideo, Uruguay, had informed him of the Government's decision to recognize his mandate officially as from July 1985. Since that time, he had paid four visits to Chile. He had visited the main prisons and had talks with members of the governing Junta, ministers, the President and members of the Supreme Court of Justice, civil and military authorities, political and religious leaders, human rights activists and hundreds of others.

35. Although much remained to be done, the efforts of the Chilean people and civic bodies, the Government's constructive approach and the solidarity of the world community, guided by the Commission, had resulted in considerable changes, noted in paragraphs 14 et seq. of the report; but the system of military justice, mentioned in paragraph 35, must be reviewed and reformed.

36. Three events seemed to him particularly important. Firstly, the Chilean Government, in its note of 23 January 1990, had replied to the list of allegations relating to the first six months of 1989 and contained in his previous report (A/44/635). Although the fact of receiving a reply was a welcome development, the details were in general unsatisfactory, inadequate or imprecise, giving the impression that most of the allegations had been well founded. Secondly, his attention had been drawn to the case of 18 exiled Chileans, some of them old and infirm, whose return he had asked the Government to facilitate on humanitarian grounds. Thirdly, he had sent to the Chilean Government, by a letter dated 29 January 1990, a list of the allegations shown in his current report (E/CN.4/1990/5), to which he hoped the Government would respond positively.

37. As a result of the significant changes that had taken place in Chile in regard to human rights, Chileans were on the threshold of democratic government, and the country's institutions, suitably reformed and intelligently applied, could pursue the many tasks which still had to be accomplished. He felt sure that the Commission and the Chilean people and Government would collaborate fruitfully with a view to fostering the protection of fundamental freedoms, and that the Chilean people would make further strides in the struggle to establish freedom and representative democracy.

38. Mr. GANDHI (India) said that the desire to strengthen fundamental human rights had become universal. Struggles against racism and for national liberation, such as those which continued in South Africa and Palestine, and the endeavours to guarantee equitable shares for all in world economic growth, were more widely recognized than ever before. His Government remained committed to promoting fundamental human rights believing as it did that, Governments elected on democratic and non-discriminatory principles had the primary role to play, which could not be supplanted or diluted by the efforts of voluntary organizations, however sincere and commendable they might be.

39. The inseparable link between human rights violations and the level of social and economic stress had to be recognized. Regard for living standards could not justify lower human rights ideals but actual living conditions must not be such as to create intolerable pressure on the social fabric and on individuals. History had always shown that human rights violations generally decreased as prosperity grew; poverty was not fertile soil for human rights.

40. His Government had a deep and abiding commitment to promoting and protecting human rights everywhere, being mindful of Jawaharlal Nehru's words that human beings could not be dealt with by trying to oppress them and that all nations had to live together, modern developments having made each country the neighbour of all. India was committed to guaranteeing the right of everyone to full political participation and to the creation of an equitable social and economic order, through a non-violent and democratic process. The principles and provisions reflected in the Universal Declaration were the cornerstone of the Indian Constitution, which was upheld by the Legislature, the Judiciary and the Executive as well as by the Indian people's unwavering commitment.

41. The many situations considered by the Commission had to be viewed in perspective. While some recent measures connected with the apartheid system were welcome steps in the right direction, apartheid could not be reformed but must be totally abolished. And in Palestine, the people must be allowed to exercise the rights to self-determination, peace and security.

42. The world community must indeed speak out against the most glaring and most obvious violations of human rights, but it should not lose sight of other instances, less in the limelight, such as the attempt by a country to impose an undemocratic and socially discriminatory constitution with a view to institutionalizing racism.

43. Mr. LOPES DA CRUZ (Observer for Indonesia) said that the Minister for Foreign Affairs of Ireland, speaking on behalf of the member States of the European Community, had rightly stressed that all human rights - economic, social and cultural as well as civil and political - were of equal importance. In that regard, Indonesia's National Development Plan emphasized the development of the Indonesian as a whole, in all aspects of his life.

44. Any attempt to depict the human rights situation in a country by emphasizing only one aspect was misleading, therefore, especially if politically motivated; regrettably, certain delegations had made such attempts with regard to the situation in East Timor. They had exploited incidents which had been, more often than not, isolated cases of the sort which could happen anywhere in the world; he wished to give the Commission a clearer picture of the situation.

45. He himself had been born and brought up in East Timor and was the former chairman of UDT, the largest of five political parties there during the decolonization process. Following the dark days of the struggle against terror and repression by a minority group, the people had decided, by an overwhelming majority, to integrate with the Republic of Indonesia. He had served as Deputy Governor of the Province of East Timor and was currently a member of the Indonesian Supreme Advisory Council and of the People's Consultative Assembly.

46. The only current problem, if it could be described as such, was that of improving the standard of living. The Indonesian Government had done its utmost, since integration, for the East Timorese people's material and spiritual welfare: an area once plagued by famine was currently self-sufficient in rice; there was a primary school in every village, over a hundred high and vocational schools, and a university; and education to high-school level would soon be made compulsory.

47. Independent observers had testified to improvements in all aspects of human rights. East Timor was currently on an equal footing with other Indonesian provinces, and the military presence in it was comparable to that in the others, the task of the Indonesian armed forces being not only national defence but also active participation in national development.

48. With regard to the allegation that freedom of movement was still being hampered, it should be noted that his Government had extended visa exemptions to tourists from 30 countries for a stay of as long as two months. The Government had also abolished the requirement for an exit permit for all Indonesians wishing to travel abroad, apart from civil servants and members of the armed forces. As East Timor was on the same footing as other provinces, those Government decisions and other provisions regarding the freedom of movement also applied to it. It was therefore clear that freedom of movement in East Timor was far from being restricted.

49. With the possible exception of Bali, there was no other area of a similar size in Indonesia that was so frequently visited by foreigners as East Timor. In 1989 alone, no fewer than 6,190 tourists had visited the province, a considerable increase over the previous year. In addition, more than 300 foreign journalists had come to East Timor during the visit of His Holiness, the Pope, which was contrary to reports that restrictions had been placed on travel beyond the itinerary of the Pope's visit. Certain areas were still not designated as official tourist destinations, primarily because of the lack of physical infrastructure, a situation which applied to other provinces in Indonesia as well.

50. His Government had always co-operated with the Commission on Human Rights and its subsidiary bodies and had done its utmost to reply to communications submitted with regard to allegations of human rights violations in Indonesia.

51. As for recent reports alleging that violations of human rights had occurred during the Pope's visit to Indonesia in October 1989 and during the visit of the United States Ambassador in January 1990, he stressed that the real facts had once again been blown out of all proportion. Published documents and other reliable sources which stated the contrary spoke for themselves.

52. Expressions of international concern regarding the human rights situation in any part of the world had to some degree contributed to the improvement of human rights but, ultimately, it was the State concerned which had the responsibility to improve the human rights of its people. In that connection, his delegation welcomed the dialogue approach adopted by some who wished to contribute to his Government's efforts to promote the full enjoyment of human rights in Indonesia.

53. Mr. MUYOVU (Observer for Burundi) recalled that, in early 1989, his delegation had informed the Commission of the progress achieved by his country in respect of human rights despite the tragic events which had severely affected it at the end of 1988. On the occasion of its current session, he was pleased to be able to inform the Commission that his country, Government and people were resolutely promoting the enjoyment of human rights.

54. Since its accession to independence in 1962, Burundi had not ceased to be faced with sometimes bloody events and it had been necessary to await the arrival of the Third Republic in order to break the vicious circle of violence engendered by ethnic conflicts. Prior to the Third Republic, the various Governments of Burundi had made the ethnic problem a taboo subject. Since 1987, however, a genuine miracle had occurred in Burundi and its people had rejected violence and ethnic hatred and was promoting respect for human rights and fundamental freedoms. The leaders of the Third Republic had placed special stress on national unity and the rehabilitation of human rights and fundamental freedoms which the Second Republic had trampled under foot and, far from discouraging them, the tragic events of August 1988 had led them to accelerate the pace of national reconciliation.

55. The Government had dealt with the crisis in a responsible manner, forcefully rejecting the ideology of violence, extermination and exclusion. The refugees who had fled because of the violence had been invited to return home, and their large-scale and unprecedented return attested to their confidence in their leaders. The report of the Presidential Commission appointed to study the question of national unity, adopted in May 1989, had been highly appreciated by both the national and international communities, as shown by the declaration on the subject by the 12 member States of the European Economic Community.

56. Reference should also be made to the official visits paid by the President of Burundi to the United States of America, Italy and the Vatican, during which he had been assured by the President of the United States, the Secretary-General of the United Nations the President of the Italian Council of Ministers and His Holiness, the Pope, of their support for his efforts at national reconciliation. In addition, His Holiness, the Pope was to pay an official visit to Burundi in September 1990.

57. His Government wished to establish a State subject to the rule of law in which social justice, democracy and respect for human rights would prevail. That determination had been reflected in 1989 by the holding in Burundi of an international symposium on human rights, organized jointly by the University of Burundi and UNESCO, at the end of which the participants had recommended, inter alia, the establishment of a non-governmental organization for the protection and promotion of human rights in Burundi and the establishment of a regional human rights institute. His Government, which had accepted those recommendations, had also decided to ratify the International Covenants on Human Rights.

58. In its programme of national reconciliation and respect for human rights, his Government relied on the support of friendly countries and the international community, while remaining open to any contribution aimed at mutual understanding among peoples and respect for human rights and fundamental freedoms, in order to ensure universal peace and friendship.

59. In conclusion, his delegation welcomed the recent events in South Africa and Eastern Europe which announced a new era of democracy and respect for human rights in those two parts of the world.

60. Mr. KERKINOS (Observer for Greece) said that, Cyprus was still subjected to the occupation of a considerable part of its territory and, as a result, was still suffering from gross and massive violations of human rights and fundamental freedoms. The 200,000 Greek Cypriots, who had fled from the north following the invasion of 1974, continued to be refugees in their own country. Their homes and property had been seized and alienated. No information concerning the fate of the persons missing since the invasion had ever been forthcoming.

61. The Greek Cypriots in the occupied part of the island were subjected to systematic harassment and forced to leave their homes. Sixty-five thousand Turkish citizens had been brought to the island to become colonist settlers, as part of a scheme to alter the demographic structure of Cyprus. Students had been allowed to settle in the deserted hotels of the once thriving city of Famagusta. The cultural treasures of the occupied Cypriot territory were being pillaged and sold throughout the world or even destroyed in a deliberate effort to erase the cultural roots of the island.

62. Little had occurred recently to give reason to rejoice. The initiation of the dialogue between the President of the Republic of Cyprus and the leader of the Turkish Cypriot community had given rise to high expectations that it could finally lead to a just and lasting solution of the problem but the Turkish Cypriot side had reneged on many occasions and was dragging its feet. A new meeting had been set by the Secretary-General, and his delegation hoped that the Turkish Cypriot side would attend it in good faith. He reiterated his country's full support for the good-offices mission of the Secretary-General and its hope that the intransigence of the Turkish Cypriot side would come to an end.

63. At a time when dramatic changes were taking place in the world and when rays of hope shone for so many millions of people, the current situation in Cyprus was simply untenable. The single most decisive act which could open the road to a solution of the problem, a solution based on the generally acceptable principles of international law and the international human rights instruments, was the withdrawal of the occupying Turkish force. The solution must guarantee the independence, sovereignty, territorial integrity and unity of the Republic of Cyprus. Only then would Cyprus as a State recover to live in freedom and security and only then would all Cypriots be able to enjoy fully their human rights and fundamental freedoms.

64. Mr. COLOP GARCIA (Observer for Guatemala) said that, as an elected representative in Congress, he was pleased to participate in a process of consolidation of democracy in Guatemala, a country facing special difficulties. His people was far from denying the violent events which were still occurring there and was seeking understanding and assistance.

65. If the Commission's work was to make a positive contribution, it was necessary for it to analyse the situation in Guatemala objectively and to disregard petitions and requests by political sectors which were seeking to

use the subject of human rights for sectarian purposes. His Government f intended to continue collaborating with the Commission, but it was necess that the latter's decisions should be free of political distortions.

66. Democracy in Guatemala was reflected in the progress made by the trade union sector and the large number of political parties ranging from conservative right to the socialist left. During four years of democrati Government, institutions such as the Supreme Court of Justice, the Suprem Electoral Court and the Constitutional Court had begun to restore the confidence of Guatemalans in State institutions.

67. While the Guatemalans did not require a rapporteur, to replace the Procurator for Human Rights they had elected, they wished to continue benefiting from the advice of an Expert on the manner in which they shoul continue to improve the procedures and mechanism for the administration o justice in their country. In the next few weeks, the Government of Guate would be analysing and submitting for consideration to Congress a new dra code of criminal procedure which took account of the recommendations of t Expert and the conclusions of various seminars held by the Centre for Human Rights.

68. In November 1990, the Guatemalans would once again exercise their ri freely to elect their local and national authorities and the President an Vice-President of the Republic. There were internal forces which wished disrupt the democratic order and which had engaged in human rights violat of all kinds for that purpose. The Government of Guatemala did not viola human rights but had sought to encourage people to live together in toler a fundamental basis for the eradication of violence. In that connection, had promoted the participation in the political process of hitherto marginalized segments of the population.

69. Only within the democratic system would Guatemalans be able to carry peacefully the reforms necessary to resolve the country's serious problem poverty, health and education. He asked the Commission to help them to continue the development of their country in freedom and peace.

70. Mr. RAIANI (International Organization for the Elimination of All Fo of Racial Discrimination) said that his delegation had welcomed in December 1989 the downfall of the dictatorship of Mr. Ceaucescu whom it h criticized at previous sessions of the Commission and Sub-Commission.

71. Unfortunately, however, Ceaucescuism still flourished, particularly Africa where there were more dictators than in any other part of the worl

72. On 13 November 1989, the Kenyan Government had begun a screening pro of all Kenyan citizens of Somali origin and had started to deport hundred them. The "Somali Probe Commission" had apparently instructed the Immigr Department to "prepare a list of all Somalis holding Kenyan passports, bi certificates and other identity documents with a view to ascertaining who obtained these documents through fraud". The resultant witch-hunt had resulted in insecurity and vulnerability to violence and in intimidation b security, police and immigration officials.

73. Many of the Somalis jailed or deported had been born in Keny were even married to Kenyan women. That practice was condemned b Law Society which called it "unlawful, unenforceable and unconsti His delegation urged the Commission to call upon the Kenyan Gover an end to its discriminatory treatment of Kenyan citizens of the community.

74. In Liberia, Sergeant Doe had been conducting a reign of terr bloody coup of 1980. In December 1989, the Liberian army had kil civilians in a small village near the border with the Ivory Coast had burnt homes and chased the terrified inhabitants into the bus Ivory Coast. His organization also suspected that the régime hac 4 January 1990, killed the great-grandson of a former Liberian Pr Mr. Robert Philippa, who had been one of the main defendants in t treason trial that had followed a coup attempt against Sergeant D

75. With regard to Asia, he read out part of a letter from U Tha grandson of U Thant, former Secretary-General of the United Nati stated that the Burmese human rights situation remained one of th the world, that tens of thousands of persons had been jailed and thousands of others, mainly students, had fled to the jungles nea Thai border where they remained forgotten by the outside world. the letter, the Government had promised democracy and free elect spring but had imprisoned or killed almost the entire leadership pro-democracy movement. The letter went on to say that Myanmar w for another, even bloodier, uprising soon.

76. North Korea was a country in which human rights were virtual non-existent and where the régime exercised strict control over t population. No opposition was allowed and any action considered to be counter-revolutionary could result in the disappearance of Opponents were often sent to labour camps in remote regions, some without trial and if there were a trial, the defence often joined prosecution in attacking the accused. According to Amnesty Inter there were at least eight major labour camps with more than 100,0 prisoners.

77. Referring to Cuba, he said that, as if the suppression of al was not enough, the régime was even planning to force Cubans to e Despite the cumulative evidence of human rights violations in Cub country had not received the same attention as others which viola rights. The report issued in 1989 by a United Nations group whi Cuba had shown the need for urgent action by the Commission, but ideological interests had eventually prevailed. It would be inte know what steps had been taken in respect to Commission resoluti and especially with regard to direct contacts between the Secreta and the Cuban Government.

78. His organization condemned the killings at Baku and the Sovi intervention in Azerbaijan and called for the respect of the huma all ethnic groups in Armenia and Azerbaijan, where peaceful coex been quite successful.

79. It also condemned the training of the cocaine cartel paramilitary squads in Colombia by Israeli intelligence offices, who also supplied them with sophisticated weapons.

80. In the case of Lebanon, he called on all parties not to add to the suffering and deteriorating conditions of the civilian population of that country. Regardless of political, ideological or other quarrels the innocent must be spared and human rights respected.

81. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of Ireland, speaking on behalf of the European Economic Community, had criticized the human rights situation in a number of countries, including the Syrian Arab Republic. It was easy to criticize developing countries, which faced economic and social problems and also had to deal with outside political forces trying to determine the fate of their peoples. In order for those peoples to exercise their civil and political rights, they must be provided with housing, food and other essentials. In his country, fortunately, such problems did not exist.

82. Moreover, if the countries making such criticisms had re-examined the documents before the Commission, particularly the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13), they would not have expressed the same views. The report showed that his country was co-operating with the Centre for Human Rights and that such disappearances did not exist in the Syrian Arab Republic.

83. It was regrettable that the spokesman for the European Economic Community had referred to a matter which had been fabricated out of whole cloth, namely, the question of the Jewish minority. His country was proud of the way in which its religious minorities co-existed, and it had no problem with its Jewish citizens. Their living conditions were often better than those of Jews in other countries.

84. Palestine was also an Arab State, and its rights must be defended against arbitrary acts of repression by the Israelis. The situation in which his country found itself since it had fallen prey to aggression and terrorism was well documented. It was useless to treat all States alike without taking into consideration their situation and history.

85. Mr. MENDOZA (Observer for El Salvador), speaking in exercise of the right of reply, said that the representative of the World University Service had expressed a number of totally unfounded opinions concerning his Government's alleged policy of repression against the academic community. In recent years, his country had fostered the growth of universities so that all Salvadorians who wished to engage in tertiary education could do so. While it was true that military intervention had occurred in November 1989 on the campus of the University of El Salvador, there were special circumstances surrounding that intervention.

86. The terrorist group known as the Farabundo Martí National Liberation Front (FMLN) had taken over the university in order to promote its ideological interests and, in the process it had violated the university statutes. The reason for the closure of the university was that the terrorists had occupied the campus and were using it as a base from which to launch armed attacks.

87. The representative of the World Federation of Democratic Youth had asserted that, during the terrorist offensive, the Salvadorian army had punished the civilian population. However, no mention had been made of the terrorist practice of taking over civilian residences. The Salvadorian Army had tried to evacuate civilians before launching its counter-offensive.

88. It had also been alleged that his Government had ordered an air attack on a settlement of repatriated Salvadorian refugees at Chalatenango. What had actually happened at the returnee settlement was that, during a clash between the Army and members of the Peoples Liberation Forces of El Salvador, the soldiers had requested and received air support. In the meantime, the terrorists had taken refuge inside the settlement, and it was there that a number of civilians had lost their lives. As it was not his Government's policy to injure civilians, a commission of inquiry had been set up to clarify the incident. The first step would be to compensate the families of the victims. He agreed with the United Nations High Commissioner for Refugees, that the use of a returnee settlement as a theatre of armed confrontation was deplorable.

89. Mr. JAZIC (Yugoslavia), speaking in exercise of the right of reply, said that the representative of the World Association for World Federation had referred to the situation of the Serbs and Montenegrins in the socialist autonomous province of Kosovo, requesting his Government to ensure the protection of their human rights and fundamental freedoms.

90. The Albanian nationality, which constituted the majority of the population of Kosovo, enjoyed the same rights as all other nations and national minorities in Yugoslavia. His country had devoted special attention to accelerating the overall development of the province, investing huge resources for that purpose. However, Kosovo was also the scene of activity by extreme nationalist and separatist forces, which was instigated from abroad. The forces in question resorted to violence and acts of terrorism, which constituted a threat to the territorial integrity and constitutional order of Yugoslavia.

91. In the circumstances, his Government had a clear responsibility to use the means necessary to ensure peace and security for all citizens in that part of Yugoslavia, as would any other State based on the rule of law. It was regrettable that lives had been lost in the process.

92. Peace and tranquillity for all the citizens of Kosovo, regardless of their nationality or origin, was a prerequisite for the functioning of democratic institutions and the enjoyment of human rights, as well as the realization of his country's main objective, namely, the implementation of its programme of far-reaching economic and political reforms and full democratization of society, including Kosovo.

93. Miss CHELUGET (Observer for Kenya), speaking in exercise of the right of reply, said that Survival International, in its haste to make allegations of serious human rights abuses involving ethnic Somalis in her country, had not taken into account the fact that her Government had conducted an investigation into the 1984 incident in which 57 people had lost their lives. The Government had issued a ministerial statement containing its findings and conclusions, and a report based on that statement had been submitted to the Special Rapporteur on summary or arbitrary executions in 1986 and to the Centre for Human Rights in 1987.

94. Her Government respected the provision of article 6, paragraph 1 of the International Covenant on Civil and Political Rights concerning the right to life. It also observed the provisions of articles 4, 7, 9, 14 and 15 of that Covenant, which protected the rights of individuals with regard to arrest, detention, trial and execution of sentence.

95. Furthermore, contrary to the statement by Survival International, there was no emergency law in any part of Kenya which allowed a district commissioner to hold anyone in prison for 56 days without charge. The Constitution protected the lives and properties of all Kenyans, regardless of race, ethnic group, religion or sex. Accordingly, the allegations regarding massacres and human rights violations were not based on fact.

96. It was also untrue that the Government had recently deprived some 120 persons of their passports. Rather, the authorities had confiscated forged identity cards, which had unfortunately proliferated of late.

97. With regard to the proposition that pastoral groups should be given greater control over their pasture lands, it was erroneous to state that the Trust Land Act deprived ethnic Somalis of nearly all their land rights. The Act in fact provided that rights and benefits in respect of the trust lands were vested in the persons who ordinarily resided on them, subject to the Government's right to set apart any land required for public purposes.

98. Mr. de SILVA (Sri Lanka), speaking in exercise of the right of reply, said that it had been alleged in the course of the debate that the Indemnity Act and the emergency regulations in force in his country prevented the investigation and trial of members of the security forces who resorted to extrajudicial execution. That allegation was based on a total misunderstanding of the provisions in question. The Indemnity Act protected only bona fide action taken in the lawful exercise of duty. No act of murder or torture could ever be protected by it. Not only was it legally possible to bring charges against the security forces, but several such cases were currently being tried in the courts.

99. It had also been claimed that the constitutional guarantee of fundamental rights was subject to executive discretion. That was totally incorrect. The only exceptions permitted under Sri Lankan law were those necessary to preserve public order, health, morality and security, as recognized by the International Covenants on Human Rights.

100. Furthermore, with regard to the statement that his Government permitted the proliferation of illegal arms and paramilitary forces, the Minister of Defence had recently ordered all persons holding licensed arms to surrender them to the police by 1 March 1990. Once all weapons had been surrendered, the applications of licence-holders to recover their firearms would be closely scrutinized and granted only where a cogent reason for their possession had been established.

101. Mr. ANCOG (Philippines), speaking in exercise of the right of reply, said that, as a matter of policy, his Government welcomed the participation and role of non-governmental organizations in reporting cases of human rights violations throughout the world.

102. However, his delegation was extremely disturbed by the fact that the recent statement of the Commission of the Churches on International Affairs had contained sweeping generalities concerning alleged human rights abuses in the Philippines. Such comments, unlike those made by the Regional Council on Human Rights in Asia, did not lend themselves to a constructive dialogue and a genuine spirit of co-operation which would enable specific cases to be addressed properly.

103. Mrs. POC (Observer for Cambodia), speaking in exercise of the right of reply, said that the Cambodian people were all too familiar with the type of concern which the Soviet Union had for them and which it expressed by supplying the most sophisticated arms, including tanks and chemical weapons, to the aggressors and traitors in Phnom Penh. If the Soviet Union was sincere about helping the Cambodian people, she could not understand why it persisted on providing $3 million worth of aid each day to to assist Viet Nam in subjugating Cambodia.

104. For 11 years, the Soviet Union had been supporting Viet Nam's attempt to annex Cambodia to its Indo-Chinese federation, which would be an outpost of the Soviet Union in South-East Asia. However, in spite of the crimes to which they had been subjected, the Cambodian people had refused to be brought to their knees.

105. The international community and the United Nations deserved credit for refusing to recognize the aggressors' fait accompli, and continuing to work unceasingly for the exercise of the Cambodian people's right to self-determination. Cambodia's sole desire was for peace, but a just peace with honour and independence, not a peace on Vietnamese or Soviet terms.

106. If the Soviet Union wished to work for peace, it should persuade Viet Nam to accept the control and supervision of the United Nations, withdraw all its forces from Cambodia and allow a United Nations peace-keeping force to create the conditions for the formation of a quadripartite provisional Government of reconciliation which would organize free elections, as proposed in H.R.H. Prince Sihanouk's five-point peace plan.

107. Mr. DUNA (Observer for Turkey), speaking in exercise of the right of reply, said that it was his Government's sincere belief that the two peoples of Cyprus, who were destined to coexist, could and should find peaceful, just and durable solutions to all the differences between them, through negotiations on the basis of equality.

108. It was incumbent upon all third parties to contribute to the establishment of mutual trust and the positive political atmosphere essential for the conduct of inter-communal negotiations. It was paradoxical to hear a lecture on the human rights situation in Cyprus from the representative of Greece, as it was successive Greek Governments which had been mainly responsible for the agonies suffered by the two peoples inhabiting Cyprus. It was high time for Greece to abandon its policy of exploiting the issue of Cyprus in all forums and adopt a constructive attitude.

109. He did not subscribe to the view that a debate in the Commission could contribute to a solution of the problem of Cyprus, which must be resolved by the two sides on the island, namely, the Turkish and Greek Cypriots. Such

a debate would be a disservice to the good-offices mission of the Secretary-General, since the search for a just and lasting settlement had entered a critical phase.

110. Cyprus was the homeland of two distinct peoples. The root of the issue was not Turkey's intervention in 1974, but the refusal of the Greek Cypriots to treat the Turkish Cypriots as equal partners.

111. Each of the two communities had its own right to self-determination and its own democratic institutions. The success of the negotiations between the leaders of the two communities depended upon the establishment of mutual trust between their peoples. A genuine dialogue was not possible so long as one of the parties attempted to discredit and isolate the other, while pretending to favour a settlement. Such an attitude was not compatible with the aim of establishing a new partnership State.

112. Mr. LE LUONG MINH (Observer for Viet Nam), speaking in exercise of the right of reply, said that his comments were addressed to the other delegations which had taken the floor on the question of Cambodia, not to the representatives of the Khmer Rouge régime.

113. Many representatives of States and non-governmental organizations had drawn attention to the genocidal crimes committed by the Khmers Rouges and the violations of human rights in the refugee camps in Thailand which they controlled. Those delegations had reaffirmed their view that the re-establishment of the genocidal régime in Cambodia was unacceptable, and that Cambodia's seat at the United Nations must be taken away from that régime and handed over to the legitimate representatives of the Cambodian people.

114. His Government deeply appreciated those statements, which it regarded as a useful contribution to the search for a just and equitable solution to the Cambodian problem, one which would guarantee the Cambodian people the full enjoyment of their human rights, including the right to live without the danger of genocide.

The meeting rose at 1.10 p.m.